

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RACHEL CAROL FILSOOF,

Plaintiff,

- against-

ANDREW J. COLE,

Defendant.
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ORDER TO SHOW CAUSE

Docket No: 21CV1791 (NRB)

Upon the Complaint in this Action, and the Declarations of Rachel Carol Filsoof dated March 11, 2021 and Jacob O'Sullivan dated March 10, 2021 with accompanying Exhibits, Declaration of Jen Rosenstein dated March 3, 2021 and the accompanying Memorandum of Law dated March 12, 2021, and for good cause shown, defendant Andrew J. Cole, is

ORDERED TO SHOW CAUSE before this Court at a hearing on the 6th day of April, 2021 at 11:00 a.m. in a format to be determined by the Court to be announced on the docket in advance of the hearing why Defendant Andrew J. Cole his agents, and all persons in active concert, privity and/or participation with him should not be enjoined and restrained pursuant to Fed.R.Civ.P. 65 pending the final hearing and determination of this action from (1) contacting, following, surveilling, assaulting, threatening, intimidating, stalking, harassing, keeping under surveillance or coming within 200 yards of the home or place of residence of Plaintiff Rachel Carol Filsoof; (2) interfering with Plaintiff's prospective business relations by making disparaging comments, remarks or statements concerning Plaintiff by phone, electronically or in person to any individual, entity or association that Defendant knows or becomes aware is a business contact of the Plaintiff and/or is likely to enter into a business transaction with the Plaintiff; and it is,

FURTHER ORDERED, that a copy of this Order and the papers upon which it is granted served upon Defendant by email delivery at a_j_cole@mac.com and by either personal delivery or overnight courier with proof of delivery to his last known address 27 Aloha Drive, Pacific Palisades, California 90272 no later than the 18th day of March, 2021, shall be good and sufficient service; and it is

FURTHER ORDERED, that opposition papers if any shall be served by email upon plaintiff's counsel john@bozlaw.com and overnight courier to The Bostany Law Firm PLLC, 3 World Financial Center, 24th Floor, New York, NY 10281 and filed no later than 5:00 p.m. on the 26th day of March, 2021; and it is

FURTHER ORDERED, that reply papers if any shall be served upon Defendant by email delivery at a_j_cole@mac.com and by either personal delivery or overnight courier with proof of delivery to his last known address 27 Aloha Drive, Pacific Palisades, California 90272 and filed no later than 5:00 p.m. on the 1st day of April, 2021; ~~and it is~~

~~FURTHER ORDERED, that pending the hearing and determination of the motion for a Preliminary Injunction, Defendant Andrew J. Cole his agents, and all persons in active concert, privity and/or participation with him are hereby enjoined and restrained from contacting, following, surveilling, assaulting, threatening, intimidating, stalking, harassing, keeping under surveillance or coming within 200 yards of the home or place of residence Plaintiff Rachel Carol Filsoof.¹~~

¹ The Court declines to enter the requested temporary restraining order for two reasons. First, pursuant to 18 U.S.C. § 2265, the existing protective order issued by the State of California must be accorded full faith and credit in the State of New York and enforced by New York State courts and law enforcement personnel. The second reason is that enforcement of the California protective order by the New York City Police Department, which is explicitly provided for in New York Criminal Procedure Law § 140.10(4)(b)(i), and enforcement by the Department of any protective order that may be issued by the State of New York

~~Defendant is hereby put on notice that failure to attend the show cause hearings scheduled herein may result in the granting of Plaintiff's motions with counsel fees and the immediate issuance of a preliminary injunction, which may be deemed to take effect immediately, and may extend during the pendency of this suit. Defendant is hereby further notified that he may be deemed to have actual notice of the issuance and terms of such preliminary injunction, and that any act in violation of any of its terms may be considered and prosecuted as contempt of this Court.~~

Dated: New York, New York
March 12, 2021

So Ordered: 
Hon. Naomi Reice Buchwald, U.S.D.J.

will likely be the most effective means of enforcing those orders in this jurisdiction given the Department's manpower and criminal enforcement resources.